Council of the Section of Legal Education and Admissions to the Bar of The American Bar Association

UNIVERSITY OF ILLINOIS COLLEGE OF LAW

CENSURE June 2012

Introduction

At its meeting on June 8-9, 2012, the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association (the "Council"), upon the recommendation of its Accreditation Committee (the "Committee"), imposed sanctions upon the University of Illinois College of Law (the "College of Law") for intentional violations of the ABA Section of Legal Education and Admissions to the Bar Standards for Approval of Law Schools ("Standards").

Specifically, the Council determined that the College of Law had intentionally violated Standard 101 and Interpretation 101-1 by submitting inaccurate information to the ABA Section of Legal Education and Admissions to the Bar (the "Section") in annual questionnaires and other submissions, Standard 501(a) (relating to sound admissions policies), and Standard 509(a) and Interpretation 509-1(1) (relating to publishing basic consumer information, specifically admissions data).

The sanctions imposed, described more specifically below, are: (1) this public censure; (2) the requirement that the College of Law issue, in a form approved by the Council, a public statement of correction to be distributed to all ABA-approved law schools; (3) the direction that the College of Law engage and pay a compliance monitor to report to the Accreditation Committee on its admissions process and data for the 2012-2013 and 2013-2014 academic years; (4) the imposition of a \$250,000 monetary sanction on the College of Law that will be placed in a separate, designated fund and used by the Section for monitoring and enhancing compliance with the data reporting and publication requirements of the Standards by all ABA-approved law schools; and (5) the termination of the variance of Standard 503, granted to the College of Law by the Council in June 2009 with respect to the Illinois Law Early Action Program (iLEAP).

Factual Background

The College of Law reported and/or publicly disseminated materially inaccurate LSAT and GPA statistics – specifically median, 25th percentile, and/or 75th percentile values – for the entering class of 2005 and the entering classes of 2007 through 2011. The inaccuracies were attributed to the actions of an assistant dean for admissions who increased students' scores after the

information was received from the Law School Admission Council. For the entering class of 2011, for example, 109 LSAT and 58 GPAs were altered. As a consequence, false data were reported to the Section and others and were disseminated in marketing materials. In addition, the College of Law reported false acceptance rate data for the applicants to the entering classes of 2005, 2009, 2010, and 2011. For the latter three classes, the numbers of applicants were exaggerated and the numbers of admissions offers undercounted. For the entering class of 2005, the number of applicants was accurately reported, but the number of offers was undercounted.

The College of Law also used a June 2009 variance from the Council to implement an admissions program to recruit students who had not taken the Law School Admission Test ("LSAT") to the College of Law. The Assistant Dean for Admissions was instrumental in the development and implementation of this plan, and noted that a key objective was to secure the enrollment of students with high undergraduate GPAs, without having to count their LSAT scores, with the resulting benefit from a law school ranking perspective. The variance was not granted by the Council for this purpose and, had the Council been aware of how it would be used, the variance request would have been denied.

These misbehaviors occurred in the context of the College of Law's 2006 Strategic Plan, which set a course for the school to reclaim a top-20 national ranking. It established goals of, within five years, enrolling a class with a median LSAT of 168 and a median GPA of 3.7. The College of Law did not acknowledge that its concern regarding rankings, its strategies with respect to admissions, or its pursuit of these aggressive goals played a significant role in the ultimate reporting of false data. Rather, the College of Law maintained that the rankings could align with institutional priorities, and that it emphasized the GPA because it is a strong indicator of future success as a lawyer and not for strategic competitive reasons driving the College of Law. However, email exchanges among College of Law administrators and faculty suggest a strategic approach designed to maximize rankings. ²

The College of Law attributed the misreporting solely to its then assistant dean of admissions and financial aid. This individual, a 2003 graduate of the College of Law, was hired as Assistant Director for Admissions and Financial Aid in 2003 and was promoted to Director of Admissions and Financial Aid in 2004. His success in recruiting highly credentialed classes earned him praise from the College of Law's leadership and a series of pay raises that more than doubled his salary by 2011.

The facts show that the College of Law did not adequately appreciate the connection between (a) establishing aggressive goals, placing authority for admissions decisions in a single individual

¹Neither the American Bar Association nor its Section of Legal Education and Admissions to the Bar endorse, cooperate with, or provide data to any law school ranking system. Several enterprises and organizations rank or rate law schools; however, the ABA Section of Legal Education and Admissions to the bar provides only a statement of accreditation status. No ranking or rating system of law schools is attempted or advocated by the ABA or the Section.

²It bears noting that the College of Law was previously involved in a different controversy relating to the inaccurate reporting of data. There, it had characterized as a "gift" from a vendor the difference between the amount it paid for Westlaw and Lexis databases and the market price of those services, which had the effect of increasing the figure the College of Law reported for expenditures per student.

who stood to gain personally and professionally from meeting or exceeding the established goals, and the lack of oversight of data reporting; and (b) the ultimate publication and reporting of false data.

The College of Law lacked effective internal controls and oversight to prevent, deter and detect inadvertent or intentional manipulation of admissions data. The problem came to light in 2011 when a "whistleblower" brought suspicions to the attention of the University of Illinois. This led to prompt internal and external investigations at significant costs. The College of Law has since implemented corrective actions and has come into compliance with the Standards at issue.

Sanctions

No matter what the competitive pressures, law schools must not cheat. The College of Law cheated. The Council agrees with the Accreditation Committee's conclusion, which bears quoting here:

[T]he conduct of the University of Illinois College of Law in connection with the intentional reporting of inaccurate admissions data to the ABA and the public was reprehensible and misleading to law school applicants, law students and law schools, and damaging to the reputation of the legal profession. The conduct of the College of Law undermined and continues to undermine confidence in the accreditation process.

At the Council's March 2012 hearing, the College of Law accepted the Accreditation Committee's recommendation of a public censure, the publication of a corrective statement, and outside data monitoring. The College of Law has argued, however, that imposing a monetary sanction would be inappropriate because it would be inconsistent with a previous case and would not be proportionate to the violations at issue.

The Council possesses authority to impose sanctions pursuant to Rule 16(a). Rule 16(a) provides, in relevant part, that "[c]onduct for which sanctions may be imposed upon a law school includes, without limitation: (1) Substantial or persistent noncompliance with one or more of the Standards." The Council finds that the violations of the Standards by the College of Law in this case constitute substantial and persistent noncompliance.

Rule 16(c) of the Rules of Procedure for the Approval of Law Schools clearly provides that a monetary sanction may be imposed so long as it is proportionate to the violation. The monetary sanction imposed here is substantial but not disproportionate. It equates to fewer than a half-dozen tuition scholarships in a single year and is a small fraction of the College of Law's annual budget. Indeed, during the period that this misbehavior occurred, the College of Law significantly increased its tuition and fee revenue. Given the serious nature of the violations as discussed above, the impact on the credibility of the accreditation process, the effects on the reputation of legal education generally, and the size of the College of Law's operation, the Council concludes that \$250,000 is not a disproportionate monetary sanction.

Moreover, while the College of Law may find it convenient to point to apparent similarities to other cases decided by the Council, each school appearing before the Council is considered

according to its own unique set of facts and circumstances. The imposition of a monetary sanction is merited by the facts of this case.

The Council also finds that the use of the June 2009 variance given by the Council to the College of Law relating to the requirement that all students take a valid and reliable admission test – the LSAT in this case – related directly to the College of Law's drive to report higher LSAT data. The variance should be and is withdrawn by the Council's decision here.

The Council finds that the violations justify a sanction of probation or removal from the list of approved law schools but that, in light of the College of Law's decision to self-report and to take immediate remedial action, neither of those sanctions should be imposed.

Imposition of Sanctions

Accordingly, the Council imposes the following sanctions on the University of Illinois College of Law:

- (a) The Council issues this public censure of the College of Law. It will be distributed by the Consultant's Office to the Deans of ABA-approved law schools and the public pursuant to Rule 26. It (or a link to it) must also be posted prominently on the home page of the College of Law's website for a period of two years. The censure also will be reported for a similar period on the webpage of the ABA Section of Legal Education and Admissions to the Bar. The Consultant's Office shall determine what constitutes prominent display on the College of Law's website.
- (b) The College of Law shall issue a public statement of correction to be distributed to all ABA-approved law schools. The statement shall describe good practices with respect to data reporting and make available the compliance plan that the College of Law has adopted to ensure that data submissions are accurate. The statement shall be submitted to the Consultant's Office for approval before distribution.
- (c) The College of Law shall engage and pay an independent compliance monitor for a period of at least two years, and the compliance monitor shall be approved by the Section of Legal Education and Admissions to the Bar and shall report directly to the Accreditation Committee. The Accreditation Committee shall be delegated the authority to extend the reporting requirement for additional years if a review of the compliance reports suggests that such need exists. The first report of the compliance monitor shall be submitted by May 1, 2013.
- (d) The Council imposes a monetary sanction on the College of Law in the amount of \$250,000, to be paid by September 15, 2012. The proceeds of the monetary penalty shall be placed in a separate, designated fund and used by the Section for monitoring and enhancing compliance with the data reporting and publication requirements of the Standards by all ABA-approved law schools. This monetary sanction addresses the harm to the reputation and standing of legal education and the profession resulting from the College of Law's violations of the Standards.

(e) The Council hereby terminates the variance of Standard 503, granted to the College of Law by the Council in June 2009, pursuant to Standard 802 and Interpretations 802-1(b) and 802-5, with respect to the Illinois Law Early Action Program (iLEAP). The College of Law must, therefore, comply with all requirements of Standard 503, beginning with any student entering the College of Law in the fall of 2013.

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